

Myanmar

“Let us not call it detention”

Political activists detained without charge or trial since 30 May 2003

Senior NLD leaders held under de facto house arrest since 30 May 2003

Back row: U Hla Pe, aged 76 U Soe Myint, aged 80, U Lun Tin, aged 82, U Nyunt Wei, aged 77, Daw Aung San Suu Kyi, aged 58

Front row: U Lwin, aged 79, U Aye Tha Aung (not detained), U Aung Shwe, aged 85, U Than Tun, aged 82 U Tin Oo, aged 75 (detained in Mandalay Prison)

The senior leadership of the National League for Democracy (NLD), Myanmar's main opposition party, and a number of Members of Parliament elect, local organizers and members have been held under “*protective custody*” without charge or trial since 30 May 2003, when members of the political party were violently attacked. At least twenty people are still held, a number of whom have been held incommunicado for long periods. Approximately half of those detained on 30 May 2003 were released between June and October 2003.

Amnesty International considers that the persons detained since 30 May 2003 are being arbitrarily detained on account of their peaceful political opposition to authorities, and is calling for their immediate and unconditional release from detention. The organization is further calling on authorities to take steps to put an end to arbitrary detention in Myanmar, where arrests of political activists are continuing, including of individuals who have distributed information about events of 30 May 2003. .

Members of the NLD were violently attacked on 30 May 2003, when they were travelling on party business through the north of the country. At least four people were killed and fifty injured. Authorities took the party's General Secretary **Daw Aung San Suu Kyi**, vice-chairman **U Tin Oo**, and at least 100 party members and supporters, including many who were seriously injured, into custody. Fifty persons, including students, Members of Parliament- elect, lawyers, engineers, market traders and businessmen detained on 30 May are believed to remain in detention in prisons and in military hospitals. Many have been denied access to relatives and lawyers. **Daw Aung San Suu Kyi**, who was held incommunicado in an undisclosed location for more than four months, is now being held in her residence, after undergoing major surgery. Eight other senior party members, members of the party's Central Executive Committee and the Committee to Represent the People's Parliament, pictured above were taken into *de facto* house arrest. Authorities shut down a number of NLD offices.

Let us not call it detention... We don't have any kind of intention of animosity against Daw Aung San Suu Kyi. That is why we have not taken any legal action against her and her party"

Myanmar Foreign Minister U Win Aung, referring to the detention without charge or trial since 30 May 2003 of Daw Aung San Suu Kyi and other party members¹

Members of the group have been held in an apparent legal limbo. On 31 May authorities stated that NLD members were being held *"for their own security.....under temporary protective custody"* and that measures against them would be lifted *"as soon as the situation returns to normal"*². Authorities told Amnesty International in July that members of the NLD's central executive committee are not under house arrest, but *"are requested...to stay at home peacefully."*³ In late July Foreign Minister U Win Aung stated that Daw Aung San Suu Kyi would be released *"when the time comes.. I can't see a timeframe right now"* and also added about her detention that *"We don't have any intention to prolong that arrangement. We are waiting for the cool down"*⁴ In October 2003 authorities said that *"we do not call it house arrest or anything like that"* and added that she will be released *"eventually"*⁵ In November 2003 authorities stated to the United Nations Special Rapporteur on Myanmar that eight members of the party's Central Executive Committee were being held under a law that allows detention without charge or trial or judicial review, either in prison or at home.

This follows a pattern of the detention without charge or trial of hundreds of political activists for months or even years, during crackdowns on peaceful political activities. Individuals have been often held for lengthy periods in unofficial places of detention. Authorities have often in the past not provided a legal basis for their detention, but stated that detainees are *"guests"* for whom *"arrangements have been made"* or who have been *"invited"* to *"take up temporary residence at state guest houses."*⁶

NLD Members of Parliament elect who were detained on 30 May 2003, **U Saw Hlaing**, 47, a high court advocate from Sagaing Division, who was reportedly injured on 30 May 2003, **U Tin Htut Oo**, 40, a businessman, from Mandalay Division and **U Myint Kyi**, 53, from Sagaing Division, also reportedly injured, were among 40 Members of Parliament detained for nearly three years between September 1998 and July 2001 without charge or trial in government guesthouses. NLD Chairman and vice-Chairman **U Aung Shwe** and **U Tin Oo** were last held in *de facto house* arrest for more than eleven months between September 2000 and October 2001, and other member of the party's Central Executive Committee were held under house arrest between September and December 2000. Many others detained on 30 May 2003 have served a number of prison sentences since 1989 on account of their peaceful political activities, and also been detained without charge or trial for three or four times in previous official crackdowns on political activities.

¹ 1 August 2003, Reuters

² Brigadier Than Tun, quoted by Associated Press, 31 May 2003

³ SPDC correspondence with Amnesty International, 14 July 2003

⁴ Foreign Minister U Win Aung, quoted by Agence France Presse, 27 July 2003 and Kyodo News 29 July 2003

⁵ Foreign Minister U Win Aung, quoted by Agence France Presse, 4 October 2003

⁶ 23 November 1998, New Light of Myanmar. Stated in reference to the detention since 6 September 1998 of 851 NLD Members of Parliament elect and NLD members, up to 30 of whom were detained without charge or trial until July 2001.

PLEASE WRITE

- calling on authorities to immediately and unconditionally release NLD members and supporters detained without charge or trial since 30 May 2003
- urging that authorities do not arbitrarily detain or hold anyone incommunicado, that detainees are either charged with a recognizably criminal offence in accordance with international standards and in a reasonable time, or released
- that all detainees are given access to legal counsel, relatives and medical care, and are held in conditions that meet international standards ;
- urging authorities to review criminal procedure legislation to ensure it provides unambiguous and effective safeguards against arbitrary detention, in line with international human rights standards, in particular by ensuring that:
- all those detained or arrested are informed immediately of the grounds for their detention and promptly informed of any charges against them, and that their relatives are promptly informed of the place of and grounds for their detention, and of any transfer and change in their legal status;
- anyone deprived of their liberty is held in an officially recognized place of detention and can challenge their detention before an independent judicial authority without delay;
- strict time limits are placed on the duration of preliminary detention before formal arrest and of pre-trial investigation, and that clear procedures are introduced to ensure that these limits are enforced

To:

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Salutation: Dear General

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Please send copies of your letters to the Myanmar embassy in your country.